



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

FILLMORE FIELD OFFICE

35 East 500 North
Fillmore, Utah 84631



In Reply Refer to:
3809(U-010)
UTU-078278

May 13, 2008

CERTIFIED MAIL # 7007 0710 0002 5252 2642
RETURN RECIEPT REQUESTED

MAY 16 2008

DIV. OF OIL, GAS & MINING

DECISION

PHIL LEVIN	:	
PRESIDENT	:	43 CFR 3809
LEVIN STONE	:	SURFACE MANAGEMENT
PO BOX 95	:	
ASH FORK AZ 86320	:	

Notice of Forfeiture and Default Financial Guarantee

This Notice is to inform you of the Fillmore Field Office (FFO) decision to require forfeiture of Financial Guarantee, Bureau of Land Management (BLM) Bond and Surety No. UT1219. The Financial Guarantee is equivalent to Surety Bond No. 69590, Levin Stone as Principle/Obligor and Nova Casualty Company as Surety executed December 15, 2005. The forfeiture is required for failure to properly maintain the financial guarantee and failure to reclaim the expired 43 CFR § 3809 Notice UTU 078278 or complete the requirements of a Land Use Permit. The forfeiture will be in the amount of \$8,807.00 (see attached reclamation cost estimate).

Forfeiture of the bond may be avoided by providing a written agreement under which you or another person, that you can demonstrate has the ability, to begin reclamation operations including removal of the pallets and rock stored at the site within 30 days of your receipt of this letter and have the site scarified and seeded between September 15, 2008 and October 15, 2008 or obtain written permission from the FFO Manager for a surety to complete requirements listed above provided the surety can demonstrate an ability to complete said reclamation requirements.

If you do not agree and are adversely affected by this decision, in accordance with § 3809.800, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office at:

Bureau of Land Management
Utah State Office
P.O. Box 45155
Salt Lake City, Utah 84145-0155

Request must be received no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to the FFO. The request must be in accordance with the provisions provided in § 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah State Office BLM to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at:

Bureau of Land Management
Fillmore Field Office
35 E 500 North
Fillmore, UT, 84631

Notice of appeal must be filed within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

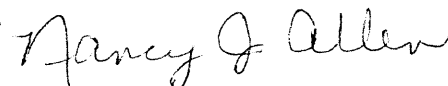
If you wish to file a petition pursuant to regulations § 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see § 4.413) at the same time the original documents are filed with the FFO. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellants success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If you should have questions concerning this decision, contact Jerry Mansfield, FFO Geologist at, 435-743-3125.



Sherry K. Hirst
Field Office Manager

Enclosures:

Reclamation Cost Estimate (RCE)
Form 1842-1

cc: **Tom Munson**
UDOGM (S/027/086)
1594 W North Temple Ste 1210
Salt Lake City, UT 84114-5801

Nova Casualty Company
180 Oak St.
Buffalo, NY 14203

Nova Casualty Company
726 Exchange St., Ste 1020
Buffalo, NY 14210-1484

bc: LLM:U-923
LLM:U-923

Bond Cost Summary - Project Data**Project Parameters**

Project Location	Washington
Region	Eastern Counties
Distance to Support	miles
Distance to Dump Site	miles
Distance to Hazardous Waste Dump	miles
Special Rate Wage Adjustment	percent
Special Rate Burden Adjustment	percent
Post Closure Monitoring Period	months

Hourly Labor Costs (Wages plus Fringe Benefits)

Supervisors	\$39.31 /hour
Loader Operators	\$34.06 /hour
Scraper Operators	\$34.06 /hour
Bulldozer Operators	\$33.79 /hour
Backhoe Operators	\$33.79 /hour
Grader Operators	\$33.79 /hour
Haul Truck Drivers	\$34.21 /hour
Breaker Operators	\$33.51 /hour
Tractor Operators	\$33.51 /hour
Service Truck Drivers	\$32.24 /hour
Construction Workers	\$34.31 /hour
Mechanics	\$33.35 /hour
Demolition Laborers	\$29.26 /hour
Site Work Laborers	\$27.16 /hour

Supply Costs

Diesel Fuel	\$2.278 /gallon
Gasoline	\$2.761 /gallon
Electric Power	\$0.064 /kWh
Off-site Maintenance Labor	\$33.79 /hour

Evaluator:

Sherpa for Reclamation Bonds - Version 2.07

Bond Cost Summary - Site Work Costs

Fence Construction	
Fence Staging Area	
Construction Method	Barbed Wire
Height	4.0 feet
Length	1,300 feet
Number of Corners	4 corners
Number of Gates	0 gates
Job Cost	\$3,254
Seed	
Seed Staging Area	
Seed Variety	Indian Ricegrass
Application Method	Mechanical
Area	1.50 acres
Application Rate	9.00 pounds/acre
Job Cost	\$588
Scarify	
Scarify Staging Area	
Surface Area	1.50 acres
Average Side Slope	0.0 percent
Number of Passes	2 passes
Implement Width	12.0 feet
Average Machine Speed	3.9 miles per hour
Job Cost	\$76
Disposal	
Staging Area Cleanup	
Deposit Location	Buried On-Site
Hazardous Materials	None
Volume	1,000.00 cubic yards
Transport Distance	80.0 feet
Job Cost	\$2,972

Evaluator:

Sherpa for Reclamation Bonds - Version 2.07

Bond Cost Summary - Project Fleet

Equipment Requirements

Flatbed Truck	15,000 pound gvw
Flatbed Truck	20,000 pound gvw
Crawler Tractor	75 horsepower
Auger	8.0 inch

Evaluator:

Sherpa for Reclamation Bonds - Version 2.07

Bond Cost Summary - Project Crew

Crew Requirements

Bulldozer Operators	16.3 hours
Seeder Operators	7.1 hours
Tractor Operators	0.8 hours
Laborers	105.2 hours
Auger Operators	8.1 hours

Evaluator:

Sherpa for Reclamation Bonds - Version 2.07

Bond Cost Summary - Mobilization Costs

Equipment Mobilization Costs

Total Mobilization Cost

\$0

Evaluator:

Sherpa for Reclamation Bonds - Version 2.07

Bond Cost Summary - Job Cost Summary

Project Job Costs

Fence Staging Area	\$3,254
Seed Staging Area	\$588
Scarify Staging Area	\$76
Staging Area Cleanup	\$2,972

Total	\$6,890
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Evaluator:

Sherpa for Reclamation Bonds - Version 2.07

Bond Cost Summary - Project Overhead

<u>Administrative and Overhead Charges</u>		
Project Operation and Maintenance Costs		\$6,890
Project Contingency	0.00 percent	\$0
Contractor's Profit	10.00 percent	\$689
Liability Insurance	1.50 percent	\$60
Bond Premium	3.00 percent	
Engineering and Design	0.00 percent	\$0
Agency Indirect Costs	14.00 percent	\$965
Agency Contract Management	21.00 percent	\$203
Total Project Overhead Cost		<u>\$1,916</u>

Evaluator:

Sherpa for Reclamation Bonds - Version 2.07

Bond Cost Summary

Bond Cost Estimate

Earth Moving	\$0
Site Work	\$3,330
Planting and Seeding	\$588
Closures	\$0
Demolition	\$0
Disposal	\$2,972
Monitoring	\$0
Mobilization	\$0
Administration	\$1,916
Required Bond Value	\$8,807

Evaluator:

Sherpa for Reclamation Bonds - Version 2.07

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

**1. NOTICE OF
APPEAL.....**

A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

**2. WHERE TO FILE
NOTICE OF APPEAL.....**

WITH COPY TO
SOLICITOR...

3. STATEMENT OF REASONS

Within 30 days after filing the Notice of Appeal, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO
SOLICITOR.....

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ----- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2005)